

Court No. - 76

Case :- APPLICATION U/S 528 BNSS No. - 17802 of 2025

Applicant :- Rakesh Alias Rakesh Kumar

Opposite Party :- State of U.P. and Another

Counsel for Applicant :- Praveen Kumar

Counsel for Opposite Party :- G.A.

Hon'ble Vinod Diwakar,J.

1. Vakalatnama filed by Shri Vivek Sharma, learned counsel appearing on behalf of the complainant, is taken on record.

2. Heard Shri Praveen Kumar, learned counsel for the applicant, the learned A.G.A. for the State-respondent, Shri Vivek Sharma, learned counsel for the complainant, and perused the record.

3. The present application under Section 482 Cr.P.C. has been filed seeking quashing of the charge sheet dated 17.05.2015, the cognizance order dated 13.08.2015, as well as the entire proceedings of Sessions Trial No. 244 of 2016, *State v. Rakesh*, arising out of Case Crime No. 109-C of 2015, under Sections 452, 376(D), and 506 IPC, Police Station Didauli, District Amroha, pending before the Court of the learned Additional Sessions Judge/Fast Track Court-I, Amroha, on the ground of a compromise arrived at between the parties.

4. Learned counsel for the applicant submits that the applicant and the victim are closely related- the victim being the 'Bhabhi' (sister-in-law) of the applicant. It is stated that the alleged incident arose from a familial dispute which has since been amicably resolved. A compromise affidavit evidencing the settlement has been brought on record as Annexure-4 to the application. It is further submitted

that the victim, being a competent adult, has voluntarily entered into the compromise and has no objection to the quashing of the criminal proceedings.

5. Shri Vivek Sharma, learned counsel for the complainant, affirms the submissions made on behalf of the applicant and states that, in view of the compromise, the complainant also has no objection to the quashing of the proceedings.

6. It is well settled that in appropriate cases where the dispute is essentially of a private and personal nature, the High Court may exercise its inherent powers under Section 482 Cr.P.C. to quash criminal proceedings, particularly where the parties have amicably settled the matter. In this regard, reference may be made to the decisions of the Supreme Court in *Gian Singh v. State of Punjab*, (2012) 10 SCC 303, and *Narinder Singh v. State of Punjab*, (2014) 6 SCC 466.

7. Although the offence under Section 376(D) IPC is grave and non-compoundable in nature, involving allegations of gang rape, the peculiar facts and circumstances of the present case merit consideration. The victim is close family members of the applicant, and the genesis of the dispute appears to be an intra-family discord rather than a criminal act impacting society at large and public morality. The victim has consciously, willingly, and without any coercion entered into the compromise. In such circumstances, continuing the prosecution would not advance the cause of justice and would amount to an abuse of the process of law.

8. Considering the exceptional facts of the case and in the larger interest of justice, this Court is of the considered view that no useful purpose would be served by continuing the criminal

proceedings against the applicant, and doing so would only result in unnecessary prolongation of litigation and judicial time.

9. Accordingly, the application is allowed. The charge sheet dated 17.05.2015, the cognizance order dated 13.08.2015, and the entire proceedings of Sessions Trial No. 244 of 2016, *State v. Rakesh*, arising out of Case Crime No. 109-C of 2015, under Sections 452, 376(D), and 506 IPC, Police Station Didauli, District Amroha, pending before the Court of the learned Additional Sessions Judge/Fast Track Court-I, Amroha, are hereby quashed.

Order Date :- 27.5.2025

Anil K. Sharma

Vinod Diwakar, J.